

# Christian Marriage in Byzantium: The Canonical and Liturgical Tradition

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## INTRODUCTION

In its interpretation of human sexuality, the family and marriage itself, the Christian tradition, which was accepted as a norm in Byzantine society, is marked by internal tensions. On the one hand, it is the heir of the Old Testament, which sees man's survival in his posterity. Christ's ancestors are mentioned in the genealogies of Matthew and Luke, and the glorious couples of the Jewish patriarchs are listed in the prayers of the Byzantine service of nuptial "crowning."

On the other hand, in the New Testament, survival through childbirth ceased to be an end in itself, as it was in Judaism. A childless woman is no longer cursed, and the Jewish law of the levirate, which required that a man marry the childless widow of a dead brother, to "restore his brother's seed," has become meaningless. In a conversation with the Sadducees about the doctrine of the resurrection, Jesus affirms that in the risen life "they do not marry, nor are given in marriage" (Matt. 22:23–32; Mark 12:18–27; Luke 20:27–40). This leads the apostle Paul to discourage his correspondents from marrying and starting families: "Time is short, so that from now on, those who have wives should be as though they had none" (1 Cor. 7:29).

Without appreciating this eschatological dimension of Christianity, it is impossible to understand the canonical legislation and the liturgical tradition adopted by the Byzantine Orthodox Church. All Byzantine Christians were offered a choice between celibate asceticism and married life, but in either case they were called to anticipate in their lives the eschatological Kingdom of God. At least this is how the Church interpreted the ideal every Christian was called to seek.

The ascetic ideal of celibacy had been adopted by a majority of Christian saints, who were offered

to society as models of perfection and as a striking contrast to the sexual laxity dominant in the pagan society of late antiquity. To quote Peter Brown, "the ideal of virginity, practiced equally by men and women, enjoyed a moral and cultural supremacy in the Christian church."<sup>1</sup> The ascetic trend, which existed in Christianity since New Testament times, was strengthened by "Encratite" or "Messalian" currents, which originated in Manichaeism and were particularly influential in Syria. The two great Syrian writers of the fourth century, Aphrahat and St. Ephrem, considered sexual abstinence as normative after baptism, even for married couples.<sup>2</sup> Manichaean associations were also present in the West, when St. Augustine considered the sexual instinct (*concupiscentia*) as a consequence of original sin, making celibacy a much more desirable state than marriage.

What is important for our topic is that the Church in Byzantium explicitly rejected these extreme ascetic trends. The council of Gangra (ca. A.D. 340) anathematized "anyone who shall condemn marriage" (canon 1), any "virgin abstaining from marriage because he/she abhors it, and not on account of the beauty and holiness of virginity

<sup>1</sup>"The Notion of Virginity in the Early Church," in B. McGinn, J. Meyendorff, and J. Leclercq, eds., *Christian Spirituality: Origins to the Twelfth Century* (New York, 1985), 427. See now P. Brown, *The Body and Society* (New York, 1988). For a rather complete collection of texts on the subject, in the original languages with a French translation, see Ch. Munier, *Mariage et virginité dans l'église ancienne* (Berne, 1987).

<sup>2</sup>See texts in A. Vööbus, *Celibacy, a Requirement for Admission to Baptism in the Early Syrian Church* (Stockholm, 1951); also Vööbus' comments in *History of Asceticism in the Syrian Orient, I: The Origin of Asceticism: Early Monasticism in Persia* (Louvain, 1960) (= CSCO 184), pp. 93–95, 17508; cf. also R. Murray, *Symbols of Church and Kingdom: A Study of Early Syrian Tradition* (Cambridge, 1975), 17–18.

itself" (canon 9), "anyone who, while living a virgin life, shall treat married people arrogantly" (canon 10), "any woman, who shall forsake her husband . . . because she abhors marriage" (canon 14), and finally, "anyone who would hesitate to partake of the Eucharist celebrated by a married priest."<sup>3</sup> Endorsed later by the Council in Trullo (692),<sup>4</sup> these rules remained a norm for the Byzantines, particularly with respect to married clergy. It is true, however, that numerous hagiographic texts continued to glorify at least some individuals who seemed to fall under Gangra's anathemas, by leaving their consorts for the sake of asceticism.<sup>5</sup>

But the eschatological dimension of the Christian faith was not expressed only in the ascetic ideal. There existed also another vision of eschatology: the image of the coming Kingdom of God as a wedding feast (Matt. 22:2–12, 25:10; Luke 12:36): a joyful reconciliation of God with his creation. The love song, known as the *Canticle*, which is part of the Old Testament canon of Scripture, was interpreted by both the rabbinical tradition and Christian exegetes as a parable of God's love for his people. This vision reappears clearly in the Epistle to the Ephesians, where it is applied to Christian marriage: "As the church is subject to Christ, so let the wives be subject to their own husbands in everything. Husbands, love your wives, just as Christ also loved the Church and gave Himself for it . . . We are members of His body, of His flesh and of His bones . . . This is a great mystery, but I speak concerning Christ and the church" (Eph. 5:22–33).

This vision of marriage was the principle that determined the whole approach to marriage problems by the Church in Byzantium. There was one God and one Israel; one Christ and one Church. Consequently, absolute monogamy was the norm and *raison d'être* of Christian marriage. According to John Chrysostom, mutual love and dedication of husband and wife was a treasured reality which could not be obliterated even by original sin, and remains in the fallen world, a remnant of the original paradisiac existence of the first couple.<sup>6</sup> The

moral value of transcending individualism by assuming family responsibility is exalted by Clement of Alexandria.<sup>7</sup> Even more significantly, the same Chrysostom deliberately opposes the Old Testament emphasis on childbearing as the main justification of marriage: "There are two reasons," he writes, "why marriage was instituted: to make us chaste and to give us children. Of these two reasons, the first takes precedence (προηγούμενη) . . . especially now that the human race has filled the entire earth (ἡ οἰκουμένη πάσα τοῦ γένους ἡμῶν ἐμπέπλησται). At first, the procreation of children was desirable, so that each man might have a memorial and a continuation of his own life. There was not yet any hope of resurrection, but rather death held sway, and those who died thought that they would perish utterly after this life. Therefore, God gave them the comfort of children . . . But now that the resurrection is at hand, and we do not speak of death but rather advance toward another life better than the present one, the desire for posterity is superfluous" (περιττὴ ἢ περὶ ταῦτα σπουδῇ).<sup>8</sup>

In the views of the tradition that Chrysostom represents, only *one* marriage can be "chaste," because it reflects, as a unique relationship between two persons, the union between Christ and the Church. For the second-century apologist Athenagoras, "he who severs himself from his first wife, even if she is dead, is an adulterer in disguise (ὁ γὰρ ἀποστερῶν ἑαυτὸν τῆς προτέρας γυναικός, εἰ καὶ τέθνηκεν, μοιχός ἐστιν παρακεκαλυμμένος). He resists the hand of God, for in the beginning God created one man and one woman."<sup>9</sup> The idea that death itself does not end a marriage—which is an eternal bond of love to continue in the resurrection—is the vision which explains that remarriage after widowhood or divorce is only tolerated, never encouraged. St. Gregory of Nazianzus, known as a sophisticated intellectual, says it rather brashly: "If there were two Christs, there would be two husbands, or two wives; since Christ is one—the one head of the Church—there is one flesh

<sup>3</sup>G. A. Rhallis and M. Potlis, *Σύνταγμα τῶν θεῶν καὶ ἱερῶν κανόνων* (Athens, 1852–55) (hereafter RPS), III, pp. 96–121.

<sup>4</sup>RPS, II, p. 309.

<sup>5</sup>The popularity of the figure of St. Alexis, the "man of God," is a good example. His Life, originally in Syriac, became widespread in both Greek and Latin. Alexis abandoned his bride on their wedding day for the sake of the ascetic life; see the recent study by C. E. Stebbins, "Les origines de la légende de saint Alexis," *RBPH* 51 (1973), 497–507.

<sup>6</sup>*Homily on the Writ of Divorce*, 4, PG 51, col. 221.

<sup>7</sup>"True manhood is shown not in the choice of celibate life; on the contrary, the prize in the contest of men is won by him who has trained life himself by the discharge of the duties of husband and father, and by the supervision of a household. On the other hand, he who has no family is in most respects untied." *Stromateis*, VII 12, 70; ed. O. Stählin, GCS 17 (1909), p. 51; trans. J. E. L. Oulton and H. Chadwick in *The Library of Christian Classics*, II (Philadelphia, 1954), 138.

<sup>8</sup>*Homily on Marriage*, 3, PG 51, col. 213.

<sup>9</sup>*Legatio pro Christianis*, 33, ed. E. J. Goodspeed, *Die älteste Apologeten* (Göttingen, 1914), p. 354; trans. C. Richardson in *The Library of Christian Classics*, I (Philadelphia, 1953), 337.

also; the second should be rejected. And if you forbid a second marriage, would you allow a third? The first is legal, the second is condoned, the third is illegitimate, and that which is beyond is swine-like . . ." (ὁ δὲ ὑπέρ τοῦτο χοιρώδης).<sup>10</sup>

Before examining the canonical and liturgical sources, it is worth noting that this view of marriage, which represents an absolute consensus within the Byzantine Christian tradition, is in stark contrast with the view that prevailed in Western medieval Christendom. In the Latin West the dominant position was the old Roman idea, that marriage is a contract between two consenting partners. Christianity kept the contract idea but added two dimensions: that the contract is indissoluble, except by the death of one of the partners, and that sexual activity (in itself a consequence of original sin), becomes acceptable in marriage only for the sake of childbirth. Consequently, the main struggle of the Church in the West was to preserve the indissolubility of marriage, while condoning any number of remarriages after widowhood. In the East divorce is even required in some cases (for instance, in cases of adultery), but remarriage is never encouraged.

#### I. THE DISCIPLINE OF THE ANCIENT CANONICAL TRADITION

The second-century Christian apologist Athenagoras, already quoted above, in his *Supplication* addressed to Emperor Marcus Aurelius, also writes: "Each of us [Christians] thinks of his wife whom he married *according to the laws that we have laid down*."<sup>11</sup> Neither before nor after Christianity became a state religion did Christians challenge the existing legal norms, fixed by Roman law, concerning the conclusion of the marriage bond. Roman law considered marriage to be a contract between two free, consenting partners, concluded before witnesses. Consequently, slaves who were not free to give "free consent," could not marry legally. This legal emphasis on consent is expressed in the frequently repeated legal principle that "nuptias, non concubitus, sed consensus facit" ("marriage is realized in the consent, not in cohabitation"), which is taken for granted as well in the standard Byzantine *Nomocanon in Fourteen Titles* and the Slavic *Kormchaya Kniga*.<sup>12</sup> Until at least the

end of the ninth century, the Byzantines generally concluded marriages as civil contracts without any involvement of the Church in the legal aspect of the marriage contract.

This does not mean, of course, that the Church was indifferent to the behavior of its members with respect to marriage and sexual behavior, but that marital and sexual problems were approached by church authority on the level of pastoral, sacramental, and penitential discipline, not civil law. The Church expected a Christian to behave in accordance with the implications of his baptism, which allowed him to participate in the sacramental, eucharistic communion. If he or she departed from Christian norms, this departure could imply ecclesiastical sanctions, including temporal or permanent excommunication, even when no civil legislation was violated. Thus divorce was a purely civil procedure, whereas remarriage involved penitential discipline.

As mentioned earlier, the central, basic norm of the Church's attitude toward marriage during the first millennium of Christianity is the idea that the mystical union of God and Israel, of Christ and the Church, is reflected only in a marriage that is perfectly monogamous. The idea is already explicit in St. Paul: widowers are allowed to remarry but are not encouraged to do so (1 Cor. 7:39–40). Early Christian writers show a remarkable consensus in supporting that view: the consensus includes Tertullian, Athenagoras, the *Shepherd* of Hermas, Clement, and Origen. In the fourth century St. John Chrysostom composed a treatise addressed *To a Young Widow*, encouraging her to remain in her widowhood rather than succumb to human weakness and remarry.<sup>13</sup>

Chrysostom's early contemporary, St. Basil of Caesarea, is the author of numerous letters, a number of which were accepted in the Byzantine Church as normative canonical texts and sanctioned as such by the Council in Trullo (692). He writes: "The rule establishes one year of excommunication for those who marry a second time. Other authorities even require two years. Those

*Glava Kormchei Knigi kak istorichesky i praktichesky istochnik russkago brachnago prava* (Moscow, 1887); K. Ritzer, *Le mariage dans les églises chrétiennes du 1er au XIe siècle* (Paris, 1970); J. Dauvillier and C. de Clerq, *Le mariage dans le droit canonique oriental* (Paris, 1936).

<sup>13</sup> Λόγος εἰς νεωτέραν χηρεύουσαν, ed. G. H. Ettlinger and trans. B. Grillet, Jean Chrysostome, *A une jeune veuve sur le mariage unique*, SC 138 (Paris, 1968). The introduction includes references to earlier Christian authors, with whom Chrysostom agrees.

<sup>10</sup> Or. 37. 8, PG 36, col. 292B.

<sup>11</sup> . . . κατὰ τοὺς ὑφ' ἡμῶν τεθειμένους νόμους; *Legatio*, ibid.

<sup>12</sup> The standard references can be found in J. Zhisman, *Das Eherecht der orientalischen Kirche* (Vienna, 1864); A. Pavlov, 50-ya

who marry a third time are often excommunicated for three or four years. And such a union is not called marriage, but polygamy, or rather punishable fornication . . . (πορνείαν κεκολασμένην).<sup>14</sup> This negative attitude toward second or third marriages is maintained in the ninth century by St. Theodore of Stoudios; recognizing that civil law authorized such unions, he forbids their blessing in church.<sup>15</sup> The canons attributed to Patriarch Nicephorus (806–815)<sup>16</sup> also forbid the “crowning” of any marriage except the first.<sup>17</sup> This principle, which forbade ecclesiastical sanction in cases of consecutive bigamy and trigamy, must have been challenged first in the case of emperors. In the ninth century Theodore of Stoudios deplores the evil example of Emperor Constantine V Copronymos, who was married three times.<sup>18</sup>

It remains that the few selected texts, which I quote here—examples can easily be multiplied—clearly illustrate the principle lying behind the attitude of the Church: the goal was to preserve the norm of a single Christian marriage. However, this principle was applied uncompromisingly only in the case of the clergy: ordination to the diaconate and the priesthood was strictly reserved to either celibates or men married once to a woman who had not been married before. Remarriage of widowed priests was excluded.<sup>19</sup>

The relaxation of the norm, in the case of laity, is limited to two or, eventually, three successive marriages, with the absolute exclusion of a fourth. It is noteworthy that successive marriages are limited in cases of both widowhood *and* divorce. Brief remarks about those limitations are in order.

(1) The famous ecclesiastical and political turmoil connected with the fourth marriage of Em-

peror Leo VI in 906 need not be related here again, except in recalling the stipulations of the document that put an end to the dispute, the *Tome of Union* of 920. This text is the most solemn set of rules accepted by both church and empire concerning the conditions of successive marriages. Totally forbidding a fourth marriage, the *Tome* also places strict limitations on a third: a person, aged forty or over, can enter a third union, incurring excommunication for five years, but only if he or she has no children from a previous marriage. A person aged forty, with children, is forbidden to marry a third time. A person aged thirty can get married a third time, even if he or she has children from previous marriages, but will be excommunicated for four years.<sup>20</sup>

(2) Discouraged in the case of widowhood, remarriage was seen as even less acceptable following divorce. This is illustrated by another and earlier imperial scandal: the divorce of Constantine VI from his wife Mary the Paphlagonian, and remarriage with Theodote (795), which resulted in the “moechian” controversy. Condoned “by economy” (κατ’ οἰκονομίαν) by the patriarch, the remarriage was protested by the Stoudites and created a schism in the Church. It was a characteristic conflict which involved not so much the very principle of *oikonomia*—since both sides admitted it—but its implications. For the politically minded patriarchs, *oikonomia* was becoming a form of realistic accommodation with the powers-that-be. For the monks, it was an expression of divine mercy for the repentant sinner: according to Theodore of Stoudios, Constantine VI could not expect *oikonomia* as long as he continued to live in adulterous union with Theodote, but could be pardoned if that union was broken. Symptomatically, in this case, as in many other historical instances, it was not so much divorce that constituted a problem as remarriage, although divorce certainly made remarriage even more unacceptable.<sup>21</sup>

The Byzantine Church, though proclaiming and cherishing the principle of the indissolubility of

<sup>14</sup>Canon 4, RPS, IV, p. 102.

<sup>15</sup>Ep. I, 50, PG 99, col. 1093C.

<sup>16</sup>The attribution is incorrect, although some of the texts may go back to Nicephorus (see M. Jugie, “Les canons disciplinaires attribués à saint Nicéphore,” *EO* 26 [1927], 419 ff); the numbering of the “canons of Nicephorus” differs in various editions, and no critical edition exists.

<sup>17</sup>RPS, IV, p. 427 (canon 2).

<sup>18</sup>Ep. I, 50 (PG 99, col. 1092A). However, it is not quite clear in Theodore’s letter whether or not the third marriage of Constantine V had been blessed by the church (cf. Ritzer, *Le mariage*, 165).

<sup>19</sup>This legislation concerning the clergy is found in the so-called *Apostolic Canons*, which originated as part of the *Apostolic Constitutions*, a large disciplinary collection adopted by the Church of Antioch in the 4th century. The *Apostolic Canons* (but not the *Apostolic Constitutions* as a whole) officially became a part of the Byzantine canonical corpus through a decision of the Council in Trullo (692). For the rules concerning married clergy, see particularly *Ap. Canons* 18 and 26 (RPS, II, pp. 25, 26), and *Trull.* 6 (RPS, II, p. 318).

<sup>20</sup>Critical text and translation of the *Tome* in L. G. Westerink, *Nicholas I, Patriarch of Constantinople: Miscellaneous Writings*, DOT 6 (= CFHB 20) (Washington, D.C., 1981), 59–71.

<sup>21</sup>Cf. the arguments of Theodore in connection with the “moechian” controversy, particularly in *Letters* I, 51 and 52, to *Naukratios* (PG 99, cols. 1084–96). On the meaning of *oikonomia*, as applicable only to repentant sinners, as expressed by Theodore and later Nicholas Mystikos, see J. H. Erickson, “*Oikonomia* in Byzantine Canon Law,” in K. Pennington and R. Somerville, *Law, Church and Society: Essays in Honor of Stephan Kuttner* (Philadelphia, 1977), 225–36.

marriage, as affirmed by Jesus according to the Synoptics' accounts (Matt. 5:31–32, 19:3–12, Mark 10:2–12; Luke 16:18), never understood indissolubility to be a *legal* absolute. It condoned the famous exception, found in Matt. 19:9 (παρεκτὸς λόγου πορνείας), and recognized adultery as a legitimate cause of divorce, covering other situations, where the mystical union of husband and wife had, in reality, ceased to exist, that is, situations practically equivalent to the death of one of the partners (disappearance, insanity, violence).<sup>22</sup> However, even in cases when divorce was admitted, remarriage was, in principle, only tolerated and subject to penitential conditions, mentioned earlier.

I have discussed so far the strict limitations placed on the *number* of successive marriages. There were of course also limitations in the case of the first marriage, which are spelled out in either imperial legislation or canons or both. I can only mention them here, without further discussion. It would be interesting to study how widely such limitations were applied in practice. Thus, the old Roman principle, requiring free consent of both parties, is endorsed by canonical texts, which nullify a marriage in cases of the woman's abduction.<sup>23</sup> The minimum age for marriage was fixed by Justinian's *Code* to fourteen for men and twelve for women, but diplomatic requirements sometimes made this rule flexible. To quote a well-known example of the late Byzantine period: the Serbian Kral' Milutin married Simonis, daughter of Emperor Andronicus II, when she was only five (1299).<sup>24</sup> One may presume that other rules—those, for instance, that forbade marriages between blood relatives up to the seventh degree of consanguinity<sup>25</sup>—were also occasionally overlooked. However, the ban established by the Council in

Trullo against the marriage of two brothers with two sisters<sup>26</sup> seems to have been applied strictly, since the non-application of the rule in Western Christendom is often mentioned by Byzantine polemicists as one of the "Latin heresies."<sup>27</sup> Also important was that the *Code* of Justinian,<sup>28</sup> followed by the Council in Trullo,<sup>29</sup> established the legal identification between blood relationship and the "spiritual" relationship created at baptism. Thus godparents and their children were strictly forbidden to marry not only with the person sponsored at baptism but also with his or her relatives. This rule is illustrated by the famous—and certainly legendary—episode reported by the Kievan *Primary Chronicle* concerning Princess Olga, who rejected the marriage proposal of the Byzantine emperor because he was her baptismal sponsor (957). The emperor then shows his frustration by marveling at her knowledge of canon law.<sup>30</sup>

The last important disciplinary situation, coming from the first centuries of Christianity, is the requirement of unity of faith between the spouses. The Council of Chalcedon (451) forbade an Orthodox to marry a non-Christian or a heretic, unless the latter were to convert to the Orthodox faith.<sup>31</sup> The Council in Trullo orders such marriages to be considered as void; however, following St. Paul, it allows "mixed" marriages to stand if they were concluded before one of the partners converted to Orthodoxy, because then the "believing" partner sanctifies the "unbelieving" one.<sup>32</sup> The problem, for a strict application of the rule, was to define who was a "heretic." During the first millennium of Christianity, since the Church did not have to be directly involved in the act of concluding marriage contracts, the question was solved on an individual basis. There were certainly many variables as to who was a "heretic" during the prolonged Christological disputes of the fifth, sixth, and seventh centuries. No study has yet been made on their implications for the discipline of

<sup>22</sup>Cf. a recent study of divorce in Byzantium by Bp. Peter L'Huillier, "The Indissolubility of Marriage in Orthodox Law and Practice," *St. Vladimir's Theological Quarterly* 32 (1988), 3, 199–221.

<sup>23</sup>St. Basil, Canons 22, 30, RPS, IV, pp. 150–51, 169.

<sup>24</sup>On this famous case, see M. Lascaris, *Vizantiske princeze u srednjevekovoj Srbiji. Prilog istoriji vizantisko-srpskih odnosa od kraja XII do sredino XV veka* (Belgrade, 1926), 58.

<sup>25</sup>Cf. the synodal decree of Patriarch Alexius Stoudites (1025–43) in V. Grumel, *Régestes des actes du patriarchat byzantin*, I, *Actes des patriarches* (Paris, 1932), 844. The decree was later reconfirmed in several legislative texts, and exceptions to the rule had to be sanctioned by special synodal dispensation. In 1278 such a dispensation was granted to Michael Angelus, son of Michael II of Epiros, who had a sixth degree of affinity with his wife, Anna, daughter of Emperor Michael VIII; cf. A. Papadopoulos-Kerameus, *Ἱεροσολυμιτικὴ Βιβλιοθήκη*, IV (St. Petersburg, 1899), p. 382.

<sup>26</sup>Canon 54, RPS, II, p. 432.

<sup>27</sup>Cf., for instance, Michael Cerularius, *Letter I to Peter of Antioch*, ed. C. Will, *Acta et scripta quae de controversiis ecclesiae graecae et latinae composita* (Leipzig, 1861; repr. Frankfurt, 1963), 181.

<sup>28</sup>*CI* V, 4, pp. 195 ff.

<sup>29</sup>Canon 53, RPS, II, p. 428–29.

<sup>30</sup>*Pereklyukala mya esi, Ol'ga, Povest' vremennykh let*, ed. D. S. Likhachev and B. A. Romanov (Moscow-Leningrad, 1950), I, 44; trans. S. H. Cross, *The Russian Primary Chronicle* (Cambridge, Mass., 1930), p. 169; on the importance of ritual kinship, see particularly R. Macrides, "The Byzantine Godfather," *BMGS* 11 (1987), 139–62.

<sup>31</sup>Canon 14, RPS, II, p. 251.

<sup>32</sup>Canon 72, *ibid.*, p. 471.

marriage. Since the estrangement between East and West was also a prolonged and gradual process, no uniform and strict attitude developed on the issue of "mixed" marriage with Latins practically until the fall of Constantinople. For the tenth century, we have the famous statement of Constantine Porphyrogenitus, asserting that "Franks" are neither "infidels" nor "unbaptized," and that imperial marriages with them are to be allowed.<sup>33</sup> Four emperors of the Comnenian dynasty married Latin wives. It might be assumed, however, that all of them joined the Byzantine Orthodox Church of their imperial husbands. The same can probably be said about most of the numerous other cases when Latin wives entered the household of the Byzantine imperial family or of the Byzantine nobility in the thirteenth and fourteenth centuries. However, a Greek wife would normally join the church of her Latin husband. We know of only one case of deliberate resistance: born a Latin, Margaret of Hungary joined Orthodoxy when she married Emperor Isaac II Angelus; in 1204 she remarried with Boniface of Montferrat, but, for several years, refused to rejoin the Latin Church. Innocent III congratulated her when she finally did in 1208.<sup>34</sup> In most cases, however, Byzantine emperors and noblemen considered their daughters to be more expendable than their sons,<sup>35</sup> and were ready for diplomatic reasons to give them as wives not only to Latin princes but also to Mongol khans and Turkish sultans. Obviously, in those cases, there was no Orthodox Church blessing. Canonists were rigorous in forbidding Orthodox priests to "crown" such marriages.<sup>36</sup>

Indeed, in that late period, a formal church ceremony had become an absolute requirement for a legal marriage. Thus marriage law and liturgical practice had become inseparable.

## II. THE LITURGICAL TRADITION

As we mentioned earlier, the Christian Church did not initially introduce any special new way of concluding marriage contracts, which remained civil contracts. However, the Church was over-

whelmingly concerned with the manner in which married life was actually lived by Christian couples, as can be seen in the abundant canonical regulations discussed above. Indeed, Christian marriage was seen as a "mystery" (Eph. 5:32), directly connected with the Eucharist, the central mystery of the Christian faith, making human bodies into "temples of the Holy Spirit" (1 Cor. 6:19). In ancient Christian exegesis, the wedding in Cana of Galilee, attended by Jesus (John 2:1–11), is unanimously understood as a figure of the Eucharist, which itself is an anticipation of the Kingdom of God. An authentically Christian marriage is therefore a "eucharistic" event, whereas marriages that depart from the Christian norm (second marriages, mixed marriages, etc.) require penance, that is, temporary or permanent abstinence from eucharistic participation.

Already in the second century, Tertullian writes that a Christian marriage "which is arranged by the church, confirmed by the oblation (i.e., the Eucharist), and sealed by the blessing, is proclaimed by the angels and ratified by the Father."<sup>37</sup> In the ninth century, we find Theodore of Studios still agreeing with Tertullian and contrasting the authentically Christian way of getting married at the Eucharistic celebration with second and third marriages which are concluded without the participation of the Church, so that the couple is admitted to communion only after a period of penance.<sup>38</sup>

Marriage customs, inherited from Antiquity, continued to exist, particularly the custom of betrothal gifts (*ἀρροαβών*) given by the bridegroom to the bride, and the use of crowns. The most frequent form of symbolizing a betrothal was an exchange of rings, while marriage itself included a crowning of the bridal pair. Early Christian preachers fulminate against pagan customs used at marriages as well as against the long festal excesses that accompanied them. However, already in the fourth century, St. Gregory of Nazianzus informs us that some Christian families asked the "crowning" to be performed by a Christian priest, although Gregory himself believes that this is better done by the father of the bridegroom.<sup>39</sup> St. John Chrysostom takes another step in the gradual Christianization of "crowning" by giving it a symbolic meaning: by their crowns, a Christian couple

<sup>33</sup> *De administrando imperio*, ed. Gy. Moravcsik and R. J. H. Jenkins (Budapest, 1949), pp. 70–76.

<sup>34</sup> *Letters*, XI, 152 (PL 205, col. 1467).

<sup>35</sup> Cf. D. M. Nicol, "Mixed Marriages in Byzantium in the Thirteenth Century," *Studies in Church History*, I, ed. C. W. Dugmore and C. Duggan (London, 1964); repr. in Nicol, *Byzantium: Its Ecclesiastical History and Relations with the Western World* (London, 1972), 168.

<sup>36</sup> Cf. Demetrios Khomatianos, in J. B. Pitra, *Analecta sacra spicilegio solesmensi parata* (Rome, 1891), p. 713.

<sup>37</sup> "[Matrimonium] quod ecclesia conciliat et confirmat oblatio et obsignat benedictio, angeli renuntiant, pater rato habet," *Ad uxorem*, II, 6; ed. C. Munier, SC 273 (Paris, 1980), p. 148.

<sup>38</sup> *Ep.* I, 50, PG 99, col. 1093AC.

<sup>39</sup> *Ep.* 231, PG 37, col. 374BD.

signifies victory over carnal pleasure.<sup>40</sup> By the sixth century, the patriarch himself was normally performing the crowning at imperial weddings.<sup>41</sup>

Still optional, and probably limited to the higher levels of society, a limited involvement of the clergy in betrothals and weddings is therefore a reality since the early centuries. Eventually, church “blessing” would be sanctioned by the *Ecloga* (741), as an alternate form of concluding legal marriage.<sup>42</sup> Something of a legal and social watershed occurred with the publication by Emperor Leo VI (886–912) of his Novel 89: “We order,” the emperor wrote, “that marital cohabitation be sanctioned by the witness of the sacred blessing.”<sup>43</sup> This text gives the Church, for the first time, an exclusive privilege to legalize marriages, placing church courts in charge of all legal problems connected with marriage, including divorce and its consequences. Not only is the “blessing” becoming obligatory, but ecclesiastical canonical authority is being extended very substantially over the life of society as a whole. However, Leo’s novel remains within the framework of the ancient Roman law, which limits the right to legal marriage to freemen, who can give consent to the union, thus excluding slaves. Only two centuries later, Emperor Alexius Comnenus, in 1095, motivating his decision by a reference to “one Lord, one faith, one baptism,” conferred on slaves the right to be married legally in church.<sup>44</sup>

The gradual adoption of church blessing first as a desirable, then an obligatory, factor in legalizing marriage can be followed in the history of liturgical rites. It seems that the Church assumed the exclusive role of blessing marriages, even before the novel of Leo VI, in areas beyond the imperial borders, because there, in countries dominated by non-Christian rulers, it was the main—if not the only—social structure able to give legal validity to Christian marriages. Thus in Armenia a liturgy of marriage existed already at the time of Patriarch Nerses I (364–372),<sup>45</sup> and one finds such a liturgy

also, as early as the fifth century, in Western sacramentaries.<sup>46</sup> In Byzantium, however, since the fourth century, priests could be called to “bless” a marriage, but the invitation was optional and the marriage itself was concluded in a civil ceremony. Timothy I of Alexandria (381–385) condemns such blessings bestowed upon marriages that were unacceptable from the Church’s point of view,<sup>47</sup> and Chrysostom prefers that blessings be given on the eve of the marriage, to avoid participation by the priest in the secular festivities that inevitably accompanied marriages.<sup>48</sup> Such blessings of the couples, or of the wedding crowns, often occurred in homes, where the priest was specially invited.<sup>49</sup>

In the eighth and ninth centuries, however, the texts witness to a new practice: the couple is brought to church, placed before the altar and, during the Eucharist, “in front of the whole people,” the priest recites a short prayer: “O Lord, stretch out Thy hand from Thy holy dwelling place, and unite Thy servant and Thy handmaid: unite them in one mind; crown them into one flesh, since Thou has blessed them to be wed to each other; make their marriage to be honorable; preserve their bed blameless, mercifully grant that they may live together in purity.”<sup>50</sup>

Theodore of Stoudios, who describes this liturgical act, takes for granted that, following the blessing, the couple partakes of eucharistic communion: “The principle and goal of the wedding,” he writes, “is the holy and unique body and blood of Christ” (κεφάλαιον γὰρ καὶ τέλος τῆς ζευξέως τὸ ἅγιον καὶ ἐνιαῖον σῶμα καὶ αἷμα Χριστοῦ). Consequently, if the priest gives communion to a couple that enters an adulterous union (as was the case with Constantine VI and Theodote), he commits blasphemy; if he gives communion to only the

<sup>46</sup>K. Stevenson, “The Origins of the Nuptial Blessing,” *The Heythrop Journal* 21.4 (1980), 412–16.

<sup>47</sup>*Resp.* 11, RPS, IV, p. 337.

<sup>48</sup>*Homily on Marriage*, PG 51, col. 211.

<sup>49</sup>Chrysostom speaks clearly of the priest being *invited* to homes for the blessing (*ibid.*; cf. also *In Gen. Homily* 48, PG 54, col. 443).

<sup>50</sup>Αὐτὸς, Δέσποτα, ἐξαπόστειλον τὴν χεῖρά σου ἐξ ἁγίου κατοικτηρίου σου καὶ ἄρμωσον τῷ δούλῳ σου τὴν δούλην σου. Σύζευξον αὐτοὺς ἐν ὁμοφροσύνῃ. Ἐνωσον αὐτοὺς εἰς σάρκα μίαν, οὓς εὐδόκησας συναφθῆναι ἀλλήλοις. Τίμιον τὸν γάμον ἀνάδειξον, ἁμίαντον αὐτῶν τὴν κοίτην διατήρησον, ἀκηλίδωτον αὐτῶν τὴν συμβίωσιν διαμεῖναι εὐδόκησον. Theodore of Stoudios, *Ep.* I, 22, *To Symeon the Monk*, PG 99, col. 973CD; cf. an identical description of the ceremony in *Ep.* I, 31, *To the Monks of Saccoudion*, *ibid.*, col. 1012D. The expressions of this short prayer are found verbatim in the marriage rite existing today.

<sup>40</sup>*Homily 9 on 1 Tim.*, PG 62, col. 546.

<sup>41</sup>Theophanes, *Chronographia*, Bonn ed., I, 283 (crowning of Maurice in 594).

<sup>42</sup>It recognized the validity of a marriage concluded ἐν ἐκκλησίᾳ . . . δι’ εὐλογίας (*Ecloga*, I, 8, ed. Zepos, *Jus*, II, p. 23).

<sup>43</sup>Τὰ συνοικέσια τῇ μαρτυρίᾳ τῆς ἱερᾶς εὐλογίας ἐρρῶσθαι κελεύομεν, ed. P. Noailles and A. Dain, *Les Nouvelles de Léon VI le Sage* (Paris, 1944), p. 297. The most recent study of this novel is by P. L’Huillier, “Novella 89 of Leo the Wise on Marriage: An Insight into Its Theoretical and Practical Impact,” in *GOTR* 32.2 (1987), 153–62.

<sup>44</sup>Novels 35 and 35B, Zepos, *Jus*, I, 341–46.

<sup>45</sup>Ritzer, *Le mariage*, 146–48.

wife, or only the husband, there is no marriage “in Christ.”<sup>51</sup>

The earliest Byzantine text of two wedding services to be celebrated independently of the Eucharist goes back to the eighth century.<sup>52</sup> One of them, specifically requires that communion be given to the couple—presumably with the reserved sacrament. Both are brief. The first includes a litany and three brief prayers for the blessing of the crowns and a “common cup” of eucharistic communion. It appears in almost all euchologia of the tenth to twelfth centuries and represents the nucleus of what the later, developed rite would look like, with the exception that the common cup, and its particular prayer, *follow* eucharistic communion and constitute therefore a separate symbolic act.<sup>53</sup> Concurrently, the older practice, known to Theodore of Stoudios, of blessing marriage during the general public eucharistic celebration is sometimes adopted as late as the fifteenth century: the crowning takes place immediately after the communion of the people, with the couple also receiving communion and a special common cup.<sup>54</sup>

However, it was inevitable that the legal obligation to have *all* marriages blessed by the church, announced by the legislation of Leo VI and Alexis I, would make it more and more impractical to connect the marriage rite with the Eucharist. Once it was invested with the function of legalizing all marriages, the Church had to become more flexible, and began to bless marriages even in cases when such unions were incompatible with a joint eucharistic participation of the couple: second and third marriages, mixed marriages, and so on. In order to avoid singling out (and embarrassing) the couples, the simplest way was to separate the marriage rite from the public Eucharist.

<sup>51</sup> *Ep.*, I, 50, to *Naukratios*, *ibid.*, col. 1096A.

<sup>52</sup> It is contained in Barb. gr. 336, was studied by J. Goar, *Euchologion, sive rituale graecorum*, (Venice, 1730; repr. Hildesheim), and is of Calabrian origin. It is further analyzed by G. Baldanze, “Il rito de matrimonio nell’Euchologio Barberini 336,” *EphL* 93 (1979), 316–51.

<sup>53</sup> Cf. Sinaitici gr. 957 (9th–10th century), 958 (10th century), and 962 (11th–12th century) and Coisl. 213 (dated 1027), in A. Dmitrievsky, *Opisanie liturgicheskikh rukopisei khranyaschikh-sya v bibliotekakh pravoslavnogo vostoka*, II, *Euchologia* (Kiev, 1901; repr. Hildesheim, 1965), pp. 4, 28–32, 73–74, 1016–17. For a brief history of this rite, see also K. Stevenson, *Nuptial Blessing: A Study of Christian Marriage Rites* (London, 1982), 95–107.

<sup>54</sup> Cf. *Cryp. G. b. VII*, 2 (10th century), analyzed by G. I. Pasarelli, “La cerimonia dello *stefanoma* (Incoronazione) nei riti matrimoniali bizantini secondo il codice Cryptense G. b. VII,” *EphL* 93 (1979), 381–91. A very similar practice is witnessed by a euchologion of 1475 (Athon. Lavra–88, in Dmitrievsky, *op. cit.*, p. 441).

This seems to have occurred already in the tenth century, in the case of imperial marriages. Constantine Porphyrogenitus informs us that, on the day of their marriage, the imperial couple would be betrothed in the palace church of St. Stephen, and would leave during a liturgy celebrated by the patriarch, only to return for the crowning.<sup>55</sup> Second marriages, which were not “crowned” at the time of Theodore of Stoudios—and would therefore by sanctioned by civil law only—were “crowned” in the late eleventh century. Nicetas of Herakleia writes: “Strictly speaking, one should not crown those who marry a second time, but the custom of the Great Church does not maintain this strictness: it places marriage crowns on the heads of even such couples . . . They must, however, be prevented from communion to the Holy Mysteries for one or two years.”<sup>56</sup> Modern printed Orthodox euchologia contain a special rite for “second marriages,” which do include crowning, but is, in fact, only an extension of the betrothal rite and possesses a penitential character.

In the late Byzantine period, as witnessed by Symeon of Thessalonica (d. 1420), the ritual of marriage was practically identical to what is found today in printed editions. However, in cases of first marriages, the priest, before giving the common cup to the couple, would exclaim, “The presanctified Holy Things to the Holy” (Τὰ προηγιασμένα ἅγια τοῖς ἁγίοις) and give them communion. But communion would be omitted, if the marriage was marked by impediments requiring penance.<sup>57</sup>

My task in this paper was limited to a necessarily brief introduction to the canonical and liturgical tradition of marriage in Byzantium. Both the canonical and liturgical sources on the subject are very abundant and, unfortunately, rarely studied. They are of great importance for understanding the ideals and norms accepted by Byzantine society, because they were based on Christian scrip-

<sup>55</sup> *Le livre des cérémonies*, II, 50 (41), ed. A. Vogt (Paris, 1939), II, p. 20.

<sup>56</sup> Ἡ μὲν ἀκριβεία τοὺς διγάμους οὐκ οἶδε στεφανοῦν, ἡ δὲ ἐν τῇ μεγάλῃ ἐκκλησίᾳ συνήθεια τὰ τοιαῦτα οὐ παρατηρεῖται, ἀλλὰ καὶ τοῖς διγάμοις τοὺς νυμφικοὺς στεφάνους ἐπιτίθει . . . πλὴν ὀφείλουσιν ἓνα ἢ καὶ δεῦτερον ἐνιαυτὸν κωλυθῆναι τῆς τῶν ἁγίων μυστηρίων μεταλήψεως. RPS, V, p. 441. A euchologion of 1153 (Sinaiticus gr. 973) foresees the case when only one of the partners marries for the second time: in that case, he or she is crowned by his or her partner, while the latter—who is entering a first marriage—is crowned by the priest (Dimitrievsky, *op. cit.*, p. 126).

<sup>57</sup> *Against the heresies and on the Divine Temple*, 282, PG 155, cols. 512–13.



tures and the theology of the Church. I am aware, however, that the historical study of such norms cannot be separated from social realities. How much were they really inspiring society? How strictly were they understood and applied? I have referred to such problems only in passing, referring particularly to “mixed” marriages. But the reverse is also true: a medieval society, like that of Byzantium, took seriously not only rules and reg-

ulations, imposed by state and church authority, but also the spiritual and “eschatological” dimension of human relations. The Christian ideal of marriage—unique and eternal—was the norm by which social realities were judged, even when they were very far from reflecting the ideal.

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